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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
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12 CATHY ENWERE,

13 Plaintiff,

14 v.

15 Terman Associates, L.P., dba  
16 Terman Apartments, et al.,

17 Defendants.

Case No.: C 07-1239 JF (PVT)

**INTERIM ORDER RE DEFENDANTS'  
MOTION TO COMPEL SAN MATEO  
COUNTY HEALTH DEPARTMENT TO  
PRODUCE DOCUMENTS PURSUANT TO  
SUBPOENA**

18 On November 10, 2008, Defendants filed a Motion to Compel San Mateo County Health  
19 Department to Produce Documents Pursuant to Subpoena.<sup>1</sup> Plaintiff opposed the motion. Non-Party  
20 San Mateo County Health Department ("San Mateo") submitted the subpoenaed records to the court  
21 in two sealed envelopes, along with a cover letter asserting the confidentiality of the records and  
22 asking the court to conduct and *in camera* review of the records for relevancy and confidentiality  
23 prior to release.<sup>2</sup> The court has **not** opened the two sealed envelopes containing the records. Having  
24 reviewed the papers submitted by the parties, the court finds it appropriate to issue this interim order  
25 without further briefing or oral argument. Based on the briefs and arguments submitted, and the file  
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27 <sup>1</sup> The holding of this court is limited to the facts and the particular circumstances  
28 underlying the present motion.

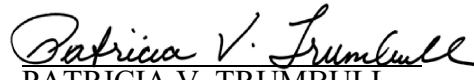
<sup>2</sup> A copy of the cover letter shall be electronically filed herein.

1 herein,

2 IT IS HEREBY ORDERED that, no later than December 16, 2008, any party that objects to  
3 the court conducting an *in camera* review of the documents shall file a brief setting forth the basis  
4 for the objection. As discussed in this court's order of this same date on Defendants' motion to  
5 compel, Plaintiff has waived her right to privacy with respect to her mental health records to the  
6 extent her mental health information is relevant to this lawsuit. Because the records submitted by  
7 San Mateo for in camera review may include records outside the scope of Plaintiff's waiver, it  
8 appears *in camera* review is warranted in order to determine which of the records should be  
9 disclosed to Defendants.

10 IT IS FURTHER ORDERED that, if Plaintiff files an objection to this order by December 23,  
11 2008,<sup>3</sup> the *in camera* review will automatically be stayed pending District Judge Fogel's ruling on  
12 Plaintiff's objection.

13 Dated: 12/3/08

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15 PATRICIA V. TRUMBULL  
16 United States Magistrate Judge  
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<sup>3</sup>

*See* FED.R.CIV.PRO. 72(a), 6(a)(2) & 6(d).

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2 *Counsel automatically notified of this filing via the court's Electronic Case Filing system.*

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4 copies mailed on 12/3/08 to:

5 Cathy Enwere  
1263 Madera Ave.  
6 Menlo Park, CA 94025

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/s/ Donna Kirchner for  
CORINNE LEW  
Courtroom Deputy

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